

UNITED STATES PATENT AND TRADEMARK OFFICE

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U.S. PATENT AND TRADEMARK OFFICE
BOARD OF PATENT APPEALS
AND INTERFERENCES

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte HIDEAKI NOBUSAWA and SUSUMU NONAKA

Application 10/697,755

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was received electronically at the Board of Patent Appeals and Interferences on November 3, 2007. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being electronically returned to the examiner. The matter requiring attention prior to docketing is identified below:

An examination of the Image File Wrapper (IFW) reveals that an Appeal Brief was filed on January 3, 2007.

37 CFR § 41.37(c)(vii) of the Code of Federal Regulations (CFR) (2006) states, in part:

(vii) Argument. The contentions of appellant with respect to each ground of rejection presented for review in paragraph (c)(1)(vi) of this section, and the basis therefor, with citations of the statutes, regulations, authorities, and parts of the record relied on.

The Appeal Brief is not compliant with the above because the separate headings appearing on pages 18, 21, 23 and 24 do not match the grounds of rejection listed on pages 17 and 18 under the heading “Grounds of Rejection to be Reviewed on Appeal.” Correction is required.

Accordingly, it is

ORDERED that the application is returned to the Examiner:

- 1) for notification to appellants to submit an amended Appeal Brief which contains a correct copy of the “Argument” section;
- 2) for consideration of the amended Appeal Brief; and
- 3) for such further action as may be appropriate.

BOARD OF PATENT APPEALS
AND INTERFERENCES

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